



February 17, 2021

Vermont Senate Committee on Health and Welfare (Room 17)  
Vermont State House  
115 State Street  
Montpelier, Vermont 05633-5301

**Testimony of the American Lung Association in Vermont In Support of Senate Bill 24, an act relating to banning flavored tobacco products and e-liquids.**

Dear Chairwoman Lyons, Vice Chair Westman and Distinguished Members of the Committee:

My name is Trevor Summerfield and I am the Director of Advocacy for the American Lung Association in New York, Massachusetts and Vermont. The American Lung Association is the nation's oldest not-for-profit public health association working to save lives by improving lung health and preventing lung disease. Thank you for the opportunity to comment on Senate Bill 24, an act relating to banning flavored tobacco products and e-liquids. The American Lung Association commends your comprehensive approach to the policy to clear the markets of *all flavored tobacco products* and strongly supports passage of this important legislation.

**The Need is Clear:**

Since the late 1990's, we have been making tremendous progress in reducing cigarette smoking rates to all-time lows. However, this positive news has been tempered by a dramatic increase in youth e-cigarette use and a tobacco product use rate that hasn't really changed in a decade.<sup>1</sup> Even in 2021, tobacco use is a very present and real issue in Vermont impacting too many, especially our most vulnerable populations. Sadly, tobacco remains the number one cause of preventable death and disease in Vermont and the nation.

- 1,000 Vermont residents die due to tobacco annually.
- Tobacco costs Vermont more than \$348 million in healthcare costs directly related to smoking every year, including \$87.2 million in state Medicaid costs.<sup>2</sup>
- Despite cigarette smoking rates being at all-time lows, overall tobacco product use has not seen that same decline. This disturbing trend led the U.S. Surgeon General to call youth e-cigarette use an epidemic in 2018.
- The COVID-19 pandemic was clearly the main story of 2020, causing hundreds of thousands of deaths and disrupting the lives of everyone in the country. The U.S. Surgeon General has conclusively linked smoking to suppression of the immune system, and smoking can cause more severe COVID-19 symptoms, according to the Centers for Disease Control and Prevention (CDC). With the threat of COVID-19 in addition to the numerous tobacco-caused diseases, it is imperative to prevent youth from starting to use tobacco and to help everyone quit.

## **Why address flavors?**

Flavors are one of the main reasons kids use tobacco products and have played a big role in the youth vaping epidemic. Research shows that 81% of kids who have ever used tobacco products started with a flavored product. Youth also cite flavors as a major reason for their current use of tobacco products.<sup>3</sup>

Recognizing that almost all tobacco users begin their use during their adolescence or young adulthood, tobacco companies have spent billions of dollars marketing their products and making them more attractive to young people. It is well established that flavors are attractive to children and young people. Both the U.S. Surgeon General<sup>4</sup> and the National Academy of Sciences, Engineering and Medicine<sup>5</sup> have written comprehensive reports on e-cigarettes that discuss the subject. For decades, the tobacco industry has used flavors to attract youth. Indeed, the industry's decades-long conspiracy to deceive the public includes many documents that demonstrate the industry's understanding of the role flavors play in kids starting to use tobacco products. While most flavored cigarettes are prohibited, the industry is once again using flavored e-cigarettes – as well as cigars – to attract youth – and then addict them. With products claiming to taste like Gummy Bears, Atomic Fireball, Captain Crunch, Apple Juice and a wide variety of other fruit, candy and sweet flavors, there is no question that these flavors appeal to youth.

Kids clearly follow flavors. The National Youth Tobacco Survey (NYTS) 2020 revealed that teens made several notable changes in how they used e-cigarettes in 2020. Disposable e-cigarette use skyrocketed by 1,000% among high school e-cigarette users (from 2.4% to 26.5%) and 400% among middle school e-cigarette users (from 3% to 15.2%). Flavored e-cigarette use among current e-cigarette users also increased from 71.7% to over 82.9% among high school students and from 59.9% to 73.9% among middle school students. In addition, higher levels of menthol e-cigarette use were observed with 37% of high school students and 23.5% of middle school students using menthol flavored products. The percentage was even higher among kids who used cartridge-based e-cigarettes.<sup>6</sup>

## **A comprehensive approach: We should not pick winners and losers of public health protections based on the method of nicotine addiction? We must treat all tobacco products the same.**

### **Electronic Cigarettes**

E-cigarettes are not an approved FDA tobacco cessation device. Public health authorities in the U.S., including the CDC and Surgeon General have found there is no valid scientific evidence demonstrating that flavored electronic cigarettes are effective at helping smokers quit.

E-cigarettes have been increasingly popular among youth and young adults, but not nearly as popular among older adults. In 2019, 4.5 percent of adults used e-cigarettes every day or some days, and 36.9 percent of adults who used e-cigarettes also used traditional/combustible cigarettes. Adult e-cigarette use is highest among young adults: 9.3 percent of 18 – 24 year olds use e-cigarettes compared to 3.0 percent of 45 – 64 year olds.<sup>7</sup>

There is strong evidence that flavor additives in e-cigarettes – especially those that are based on natural plant-based extracts, are menthol-based and food-related additives such as cinnamaldehyde – are particularly toxic to lungs when they are inhaled. One study found that these additives significantly

affect the lung cell viability and the respiratory barrier integrity.<sup>8</sup> Another study found that lower concentrations of these flavor additives in e-cigarettes caused inflammation and created symptoms consistent with endothelial dysfunction.<sup>9</sup> And of course, the presence of chemicals such as diacetyl and acetyl propionyl, are associated with respiratory disease.<sup>10</sup>

### Menthol Cigarettes

Much like COVID-19 has a disproportionate impact on certain communities, especially communities of color, so does tobacco use and exposure to secondhand smoke. Menthol cigarettes remain a key vector for tobacco-related death and disease in Black communities, with over 80% of Black Americans who smoke using them. Nearly 9 in 10 African American smokers (88.5 percent) aged 12 years old and older use menthol cigarettes.<sup>11</sup> This is not by chance – the sale and marketing of menthol cigarettes disproportionately burdens the African-American community by the tobacco industry.<sup>12</sup> Also, use of menthol cigarettes is more common among youth, female smokers, LGBTQ+ smokers<sup>13</sup>, and those with mental illness.

A recent study showed that while overall cigarette use declined by 26% over the past decade, 91% of that decline was due to non-menthol cigarettes.<sup>14</sup> This underscores what an FDA scientific advisory committee already found:<sup>15</sup> menthol cigarettes are hard to quit, and they disproportionately affect Black communities.<sup>16</sup>

### Cigars

Sales of flavored cigars have also increased by nearly 50 percent since 2008, and flavored cigars made up more than half of the U.S. cigar market in 2015. The number of unique cigar flavor names more than doubled from 2008 to 2015 from 108 to 250.<sup>17</sup>

The health disparities we see with tobacco use and tobacco related disease are some of the reasons the American Lung Association supports prohibiting the sale of all flavored tobacco products.

We appreciate the opportunity to submit this testimony and your attention to addressing the issue before us. With a vision of a world free of lung disease, the American Lung Association is working to eliminate the use of all tobacco products. We support strong tobacco prevention policies that are proven to reduce tobacco rates. A comprehensive approach, including passage of Senate Bill 24 eliminating the sale of flavored tobacco products is needed to realize this vision and prevent Vermont's youth from being the next generation of kids addicted to tobacco products.

Sincerely,

Trevor Summerfield  
Director, Advocacy (NY, MA, VT)  
American Lung Association

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- <sup>3</sup> Flavored Tobacco Products Attract Kids: Brief Overview of Key Issues. Campaign for Tobacco-Free Kids. <https://www.tobaccofreekids.org/assets/factsheets/0399.pdf> Accessed January 29, 2021.
- <sup>4</sup> U.S. Department of Health and Human Services. (2016.) E-Cigarette Use Among Youth and Young Adults. Retrieved from [https://e-cigarettes.surgeongeneral.gov/documents/2016\\_sgr\\_full\\_report\\_non-508.pdf](https://e-cigarettes.surgeongeneral.gov/documents/2016_sgr_full_report_non-508.pdf)
- <sup>5</sup> National Academies of Sciences. (2018). Public Health Consequences of E-Cigarettes. Retrieved from <http://nationalacademies.org/hmd/Reports/2018/public-health-consequences-of-e-cigarettes.aspx>
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- <sup>8</sup> Fetterman, J.L., et al. (2018). Flavorings in Tobacco Products Induce Endothelial Cell Dysfunction. *Arterioscler, Thrombosis, and Vascular Biology*. Retrieved from <http://atvb.ahajournals.org/content/early/2018/06/13/ATVBAHA.118.311156>
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- <sup>9</sup> Farsalinos, K.E., et al. (2014). Evaluation of Electronic Cigarette Liquids and Aerosols for the Presence of Selected Inhalation Toxins. *Nicotine & Tobacco Research*. Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4892705/>
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- <sup>11</sup> <https://truthinitiative.org/news/6-key-takeaways-new-fda-plan-e-cigarettes-flavored-tobacco-products>
- <sup>12</sup> Too Many Cases, Too Many Deaths: Lung Cancer in African Americans, American Lung Association. <https://www.lung.org/assets/documents/research/ala-lung-cancer-in-african.pdf>
- <sup>13</sup> Menthol cigarette smoking among lesbian, gay, bisexual, and transgender adults. Fallin A1, Goodin AJ2, King BA3. <https://www.ncbi.nlm.nih.gov/pubmed/25245795>
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